

ASSEMBLY BILL

No. 2626

Introduced by Assembly Member Plescia

February 20, 2004

An act to amend Section 3502.1 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2626, as introduced, Plescia. Physician assistants.

Existing law regulates physician assistants by the Medical Board of California, and authorizes a physician assistant to issue a drug order, subject to specified requirements. Existing law requires a supervising physician and surgeon to review, countersign, and date the medical record of a patient cared for by a physician assistant for whom the supervising physician and surgeon's drug order has been issued.

This bill would delete this provision relating to patient drug orders.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3502.1 of the Business and Professions
- 2 Code is amended to read:
- 3 3502.1. (a) In addition to the services authorized in the
- 4 regulations adopted by the board, and except as prohibited by
- 5 Section 3502, while under the supervision of a licensed physician
- 6 and surgeon or physicians and surgeons authorized by law to
- 7 supervise a physician assistant, a physician assistant may
- 8 administer or provide medication to a patient, or transmit orally,

1 or in writing on a patient's record or in a drug order, an order to a
2 person who may lawfully furnish the medication or medical device
3 pursuant to subdivisions (c) and (d).

4 (1) A supervising physician and surgeon who delegates
5 authority to issue a drug order to a physician assistant may limit
6 this authority by specifying the manner in which the physician
7 assistant may issue delegated prescriptions.

8 (2) Each supervising physician and surgeon who delegates the
9 authority to issue a drug order to a physician assistant shall first
10 prepare and adopt, or adopt, a written, practice specific, formulary
11 and protocols that specify all criteria for the use of a particular drug
12 or device, and any contraindications for the selection. The drugs
13 listed shall constitute the formulary and shall include only drugs
14 that are appropriate for use in the type of practice engaged in by
15 the supervising physician and surgeon. When issuing a drug order,
16 the physician assistant is acting on behalf of and as an agent for a
17 supervising physician and surgeon.

18 (b) "Drug order" for purposes of this section means an order
19 for medication which is dispensed to or for a patient, issued and
20 signed by a physician assistant acting as an individual practitioner
21 within the meaning of Section 1306.02 of Title 21 of the Code of
22 Federal Regulations. Notwithstanding any other provision of law,
23 (1) a drug order issued pursuant to this section shall be treated in
24 the same manner as a prescription or order of the supervising
25 physician, (2) all references to "prescription" in this code and the
26 Health and Safety Code shall include drug orders issued by
27 physician assistants pursuant to authority granted by their
28 supervising physicians, and (3) the signature of a physician
29 assistant on a drug order shall be deemed to be the signature of a
30 prescriber for purposes of this code and the Health and Safety
31 Code.

32 (c) A drug order for any patient cared for by the physician
33 assistant that is issued by the physician assistant shall either be
34 based on the protocols described in subdivision (a) or shall be
35 approved by the supervising physician before it is filled or carried
36 out.

37 (1) A physician assistant shall not administer or provide a drug
38 or issue a drug order for a drug other than for a drug listed in the
39 formulary without advance approval from a supervising physician
40 and surgeon for the particular patient. At the direction and under

1 the supervision of a physician and surgeon, a physician assistant
2 may hand to a patient of the supervising physician and surgeon a
3 properly labeled prescription drug prepackaged by a physician and
4 surgeon, manufacturer as defined in the Pharmacy Law, or a
5 pharmacist.

6 (2) A physician assistant may not administer, provide or issue
7 a drug order for Schedule II through Schedule V controlled
8 substances without advance approval by a supervising physician
9 and surgeon for the particular patient.

10 (3) Any drug order issued by a physician assistant shall be
11 subject to a reasonable quantitative limitation consistent with
12 customary medical practice in the supervising physician and
13 surgeon's practice.

14 (d) A written drug order issued pursuant to subdivision (a),
15 except a written drug order in a patient's medical record in a health
16 facility or medical practice, shall contain the printed name,
17 address, and phone number of the supervising physician and
18 surgeon, the printed or stamped name and license number of the
19 physician assistant, and the signature of the physician assistant.
20 Further, a written drug order for a controlled substance, except a
21 written drug order in a patient's medical record in a health facility
22 or a medical practice, shall include the federal controlled
23 substances registration number of the physician assistant. The
24 requirements of this subdivision may be met through stamping or
25 otherwise imprinting on the supervising physician and surgeon's
26 prescription blank to show the name, license number, and if
27 applicable, the federal controlled substances number of the
28 physician assistant, and shall be signed by the physician assistant.
29 When using a drug order, the physician assistant is acting on behalf
30 of and as the agent of a supervising physician and surgeon.

31 ~~(e) The medical record of any patient cared for by a physician~~
32 ~~assistant for whom the supervising physician and surgeon's drug~~
33 ~~order has been issued or carried out shall be reviewed and~~
34 ~~countersigned and dated by a supervising physician and surgeon~~
35 ~~within seven days.~~

36 ~~(f)~~ All physician assistants who are authorized by their
37 supervising physicians to issue drug orders for controlled

- 1 substances shall register with the United States Drug Enforcement
- 2 Administration (DEA).

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